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Chairman: Mr. Galuška ..... (Czech Republic)

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The meeting was called to order at 3.30 p.m.

Agenda item 111: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/54/L.91 and L.95)

Draft resolution A/C.3/54/L.91: Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

1. **The Chairman** informed the Committee that draft resolution A/C.3/54/L.91 had no programme budget implications. Afghanistan, Croatia, Cyprus and Iceland had become sponsors of the draft resolution.

2. *Draft resolution A/C.3/54/L.91 was adopted.*

3. **Ms. Boyko** (Ukraine) speaking in explanation of position after the adoption of the draft resolution, said that, as in previous years, her delegation had not joined the sponsors of draft resolution A/C.3/54/L.91. Ukraine had taken an active part in the Regional Conference and regarded the outcome of the Conference as a good basis for national and international cooperation on the issues of refugees, displaced persons and the formerly deported; it had already expressed its commitment to the follow-up to the Conference. The Programme of Action represented a delicate balance of the interests and obligations of all the countries which had taken part in the Conference, and Ukraine would participate in ensuring its full implementation. In that regard, it supported the continuation of the Conference process for the period after the year 2000 and welcomed the establishment of a working group to address that issue.

4. Regrettably, the draft resolution related only to an entity — the Commonwealth of Independent States — which neither had the status of a subject of international law, nor represented a geographical region in the common meaning of the term, and was therefore considered by Ukraine as a mechanism for multilateral consultations and negotiations. Accordingly, Ukraine disassociated itself from the references in the draft resolution to that entity.

Draft resolution A/C.3/54/L.95: Office of the United Nations High Commissioner for Refugees

5. **The Chairman** informed the Committee that draft resolution A/C.3/54/L.95 had no programme budget implications. **Bahamas, Belize, Bosnia and Herzegovina, Croatia, Gabon, Guinea-Bissau, Micronesia (Federated States of) Panama, Solomon Islands, Trinidad and Tobago and Uruguay had become sponsors of the draft resolution.**

6. **Mr. Wintorp** (Denmark) said that, in addition to the revision which it had made to paragraph 23 when introducing the draft resolution, his delegation wished to make two further revisions. Paragraph 10 had been replaced by the following text:

> "*Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, *inter alia*, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford to the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern".

7. In paragraph 4, the words "of 12 August 1949 for the protection of victims of war" had been replaced by the words "on the law of armed conflict".

8. *Draft resolution A/C.3/54/SR.95, as orally revised, was adopted.*

9. **Ms. Lorling** (Singapore), speaking in explanation of position after the adoption of the draft resolution, said that her Government supported the general thrust of draft resolution A/C.3/54/SR.95 but had reservations about the provisions relating to asylum. Paragraph 6 reaffirmed that everyone had the right to seek and enjoy in other countries asylum from persecution. That was an unqualified and categorical statement, which her Government could not accept. Singapore had never recognized that there was an unrestricted or automatic right to asylum. That had been its consistent national practice, which was based on its natural limitations and vulnerabilities.

10. Paragraph 6 did not accurately reflect the current realities with regard to the issue of asylum. Potential countries of asylum in both the developing and the developed world continued to demonstrate a growing reluctance to respect the basic principles of refuge protection, while other countries which lacked the necessary resources to do so were being expected to host a disproportionate share of the world's refugees. Singapore believed that, instead of giving unqualified affirmation to the right of asylum, it would be more realistic and constructive to acknowledge that contemporary practices had evolved and changed.

Agenda Item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/54/L.71/Rev.1 and L.95)

Draft resolution A/C.3/54/L.71/Rev.1. Globalization and its impact on the full enjoyment of all human rights

11. **The Chairman** informed the Committee that draft resolution A/C.3/54/L.71/Rev.1 had no programme budget implications. He recalled that when the draft resolution had been introduced, the representative of Egypt had orally revised paragraph 1.

12. **Mr. Oda** (Egypt) said that the following countries had become sponsors of draft resolution A/C.3/54/L.71/Rev.1: Antigua and Barbuda, Barbados, Belize, Bhutan, Botswana, Burundi, Cameroon, Chad, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Ethiopia, Gabon, Grenada, Guinea, Guinea-Bissau, Guyana, Jamaica, Malawi, Mauritius, Morocco, Mozambique, Namibia, the Niger, Papua New Guinea, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Solomon Islands, Suriname, Swaziland, Togo, Trinidad and Tobago and Zimbabwe.

13. On behalf of the sponsors of the draft resolution, he reiterated that its objective was to call upon the Secretary-General to analyse the consequences of globalization for the full enjoyment of human rights. The sponsors believed that there was a need for an objective assessment of the situation, taking into account all factors, as well as the different views of Member States.

14. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that there was no doubt that globalization and its impact on the full enjoyment of human rights were complex issues which required in-depth study in order to evaluate the views of Governments. Globalization was making developing countries dependent on the advanced countries in various fields and was giving immense power to transnational corporations, thereby limiting the role of States in promoting the enjoyment of human rights. It was ironic that some countries which supported globalization and trade liberalization did not hesitate to impose sanctions and other measures against other countries, and even adopted national legislation to be implemented beyond national borders if it served their interests. His delegation supported draft resolution A/C.3/54/L.71/Rev.1 and hoped that the studies to be undertaken would provide the basis for respect for and protection of human rights in the context of the challenges of globalization.

15. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that the issue of globalization and its impact on the full enjoyment of all human rights was not new to the Committee, which had repeatedly taken up aspects of the globalization process insofar as they were relevant in the consideration of social issues or in the context of specific human rights. The issue had also been thoroughly covered in the Commission on Human Rights. While recognizing that the globalization process had implications, both positive as well as potentially negative, for the enjoyment of human rights, the European Union found it difficult to address those implications as a separate issue. In its view, given the cross-cutting nature of human rights issues, the implications of most phenomena for the enjoyment of human rights were best addressed where the respective phenomenon was being considered. On the other hand, when discussing issues related to globalization in different forums of the United Nations, human rights considerations should be part of that process.

16. At the fifty-fifth session of the Commission on Human Rights, there had been lengthy negotiations about the issue of globalization and human rights, and in resolution 1999/59 the Commission had requested the Subcommission on the Promotion and Protection of Human Rights to undertake a study on the issue of globalization and its impact on the full enjoyment of human rights, for the consideration of the Commission at its fifty-seventh session in 2001. The study would take into account the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission, and also the views of Governments. Requesting the Secretary-General to prepare a comprehensive report on an issue on which the Subcommission had been requested only a few months previously to prepare a study seemed a clear case of unnecessary duplication, and could also be seen as indicating a lack of confidence on the part of the General Assembly in the work of the Subcommission and the member entrusted with the study. The European Union therefore called for the deletion of paragraph 4 of draft resolution A/C.3/54/L.71/Rev.1.

17. **Ms. Mesdoua** (Algeria) said that, for better and for worse, globalization was radically changing relations between societies and States. As democratization spread, opening the way to better promotion of civil and political rights and the strengthening of fundamental freedoms, the promotion and achievement of social and economic rights was not making the same progress. In many countries, structural adjustments had led to an alarming growth of poverty, and there was a widening gap between the North and the South. In that situation, only the humanization of

globalization could have beneficial effects for all peoples and nations. Her delegation therefore called on all delegations to support paragraph 4, and the draft resolution as a whole.

18. **Mr. Bhati** (Pakistan) said that, in a world of shrinking distances and increasing interaction, globalization was an inescapable reality which affected all aspects of life. The sponsors of the draft resolution therefore believed that it was important to request the Secretary-General to prepare a comprehensive in-depth report, on the basis of all the studies and data that were available, so that the General Assembly could work out a plan of action. That report would complement the efforts of the Subcommission on the Promotion and Protection of Human Rights; however, the General Assembly could not wait for the Subcommission's study, which was to be submitted in 2001.

19. **Mr. Oda** (Egypt) said that paragraph 4 was the main objective of the entire draft resolution; if it was deleted, there would be no point in retaining the remainder. The report which was being requested would help foster and enrich discussions in the Committee. It would take into account the views of Member States, unlike the Subcommission's study, which would be carried out by an expert group. The report of the Secretary-General would take into consideration the debate on globalization in the Subcommission and would complement the Subcommission's study. Thus, his delegation could not support the delegation of paragraph 4, and would have to ask for a vote on the amendment proposed by the European Union.

20. **Mr. Mowla** (Bangladesh) said that his delegation also felt that the report of the Secretary-General would complement the study by the Subcommission. The Subcommission was an expert body, which was not required to solicit the views of Member States when preparing its study.

21. **Ms. de Armas Garcia** (Cuba) said that globalization had given rise to impressive technological achievements and represented great potential for development, poverty eradication, and the promotion of social equity. However, neoliberal policies and unregulated markets had led to increased poverty and unemployment, making the right to development a chimera for the countries of the South. In an increasingly interdependent world, globalization had led to greater disparities between opulence and extreme poverty. The situation needed to be faced objectively and realistically, and her delegation believed that, far from damaging the debate, the report of the Secretary-General would be of great value with a view to achieving progress towards development and social justice.

22. **The Chairman** invited the Committee to vote on the proposed amendment before taking action on the draft resolution as a whole.

23. **Mr. Umeda** (Japan) speaking on behalf of Australia and New Zealand in explanation of the vote before the vote on the proposed amendment, said that although globalization had a serious impact on human rights, it was a vast and complicated issue that was usually discussed in the context of the right to development. It was questionable whether a separate resolution on globalization, especially one on which there was no consensus, would serve a purpose. Concerned that the request in paragraph 4 for a report from the Secretary-General duplicated the request of the Commission on Human Rights for a study on the same subject by the Subcommission on the Promotion and Protection of Human Rights, the three delegations would vote in favour of the amendment deleting paragraph 4.

24. *A recorded vote was taken on the oral amendment proposing the deletion of paragraph 4 of the draft resolution.*

In favour:

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Papua New

Guinea, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Argentina, Armenia, Belarus, Bolivia, Brazil, Brunei Darussalam, Colombia, Croatia, Ecuador, Guatemala, Kazakhstan, Marshall Islands, Micronesia (Federated States of), Panama, Paraguay, Peru, Republic of Korea, Russian Federation, Singapore, the former Yugoslav Republic of Macedonia, Uruguay, Venezuela.

25. *The proposed oral amendment to draft resolution A/C.3/54/L.71/Rev.1 was rejected by 44 votes to 92, with 22 abstentions.*[*]

26. **The Chairman** said that he would take it the Committee wished to adopt draft resolution A/C/3/54/L.71/Rev.1 as a whole without a vote.

27. **Mr. Gallagher** (United States of America) requested a recorded vote.

28. **Mr. Tapia** (Chile), speaking in explanation of position before the vote, said that his delegation would abstain, because it was disturbed by the trend towards expanding the scope of the human rights agenda of United Nations bodies by bringing in discussion of any factor that might conceivably have an impact on human rights. That merely overloaded the agenda with spurious human rights issues to the detriment of more important subjects. Any number of factors could directly or indirectly affect human rights, but that did not mean that the Committee should deal with them under agenda item 116. Globalization offered great opportunities for social and economic progress and also posed grave problems: it was a topic for bodies such as the Second Committee, the regional commissions, the World Trade Organization, the United Nations Conference on Trade and Development and the like. The Third Committee was not the proper forum, but, if it considered the issue at all, it should do so strictly in connection with the right to development. Chile had no objection to the content of the draft resolution, but as a position of principle and also as a practical matter, it believed that time and money should be devoted to more important items and the work of the General Assembly should not be thus trivialized.

29. *A recorded vote was taken on the draft resolution as a whole.*

In favour:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Singapore, Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

30. *Draft resolution A/C.3/54/L.71/Rev.1 as a whole was adopted by 100 votes to 1, with 59 abstentions.*

[*] The delegation of Madagascar subsequently informed the Committee that it had intended to vote against the amendment rather than in favour of it.

31. **Mr. Leao Monteiro** (Cape Verde), speaking in explanation of vote after the vote said that his delegation had voted in favour on the understanding that the words "with the same emphasis" in the fifth preambular paragraph were to be interpreted as a rejection of any possible discrimination when addressing a given human right, but that human rights could be approached with specific emphasis and that nothing would preclude the international community from so approaching them.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/54/L.58, L.60, L.63, L.87/Rev.1 and L.92)

Draft resolution A/C.3/54/L.58: The question of human rights in Afghanistan

32. **The Chairman** introduced the draft resolution, which he was submitting on the basis of informal consultations, and which had no programme budget implications. He suggested adding the following fifth preambular paragraph:

> "*Recalling* that the United Nations continues to play its central and impartial role in international efforts towards a peaceful resolution of the Afghan conflict, and encouraging all efforts at the national, regional and international levels aimed at finding a solution to the continuing conflict through a broad-based dialogue involving all concerned actors,".

33. *Draft resolution A/C.3/54/L.58, as orally revised, was adopted.*

34. **Mr. Bhati** (Pakistan), recognizing the international community's concern about the effects of the conflict on the human rights situation in all parts of Afghanistan, said that Pakistan had worked actively with all international organizations, groups and officials seeking to promote a negotiated settlement. It believed that the adoption by the United Nations of a vacant-seat formula for Afghanistan, as advocated by the Organization of Islamic Countries, would strengthen the prestige of the United Nations as an impartial mediator and would discourage the beneficiaries of the current status-quo formula from continuing the fratricidal conflict in their country.

35. Pakistan welcomed the Kabul Government's decision to allow the Special Rapporteur on the situation of human rights in Afghanistan and the Special Rapporteur on violence against women to visit the country, an indication of the Government's desire to work with the United Nations to improve the human rights situation. The Special Rapporteur on the situation of human rights in Afghanistan had rightly recommended that the approach to establishing the conditions essential for the enjoyment of human rights in that country should be to address immediate survival needs while simultaneously pursuing strategic long-term objectives.

36. Pakistan had long advocated the imposition of a verifiable arms embargo applicable to the whole of Afghanistan, as also recommended by the Special Envoy to Afghanistan. Such an embargo would, of course, have to be accompanied by a comprehensive international reconstruction programme, including humanitarian assistance to the refugees. The cessation of all outside interference was a prerequisite for the realization of peace and human rights in the war-ravaged country.

Draft resolution A/C.3/54/L.60: Human rights situation in Iraq

37. **The Chairman**, drawing attention to the amendment to the draft resolution contained in document A/C.3/54/L.92, informed the Committee that the draft resolution had no programme budget implications and recalled that paragraph 2 (h) had been orally revised.

38. **Mr. Schalin** (Finland), stating that Malta and Slovakia had joined the sponsors of the draft resolution, said that after consultations with the sponsors and with the sponsor of the proposed amendment, some revisions had been made. A clause had been added at the end of the sixth preambular paragraph, reading: "in which these bodies point at a wide range of human rights problems and hold the view that the Government of Iraq remains bound by its treaty obligations while pointing at the adverse effect of sanctions on the daily life of the population, including children,". In the eighth preambular paragraph, after the words "such as children,", the clause "as *inter alia* also stated in the reports of several United Nations human rights treaty bodies," had been inserted.

39. **Mr. Londono** (United States of America) said that the United States was withdrawing its sponsorship of the draft resolution. The oral revisions just made injected a lack of balance, because no corresponding reference had been made to the central fact that sanctions had been imposed on Iraq by the Security Council and had not been lifted owing to Iraq's non-compliance and because there was no recognition of the fact that Iraq's failure to take full advantage of the food and health care resources available under the oil-for-food arrangement had increased the effect of the sanctions.

40. **Mr. Rogov** (Russian Federation) said that, having reached an agreement on a compromise text with the European Union sponsors after very complex negotiations,

the Russian Federation was withdrawing its amendment in document A/C.3/54/L.92.

41. *The amendment to draft resolution A/C.3/54/L.60 in document A/C.3/54/L.92 was withdrawn.*

42. **Mr. Al-Humaimidi** (Iraq) said that the draft resolution was politically motivated and had nothing to do with human rights or any sincere attempt to promote and enhance such rights in Iraq. The text was simply the latest in a series of resolutions drafted and proposed for political ends. Parts of the draft resolution drew on assertions and allegations contained in the reports of the Special Rapporteur on the situation of human rights in Iraq. His delegation had already clarified its position on those reports: no argument based on flimsy evidence could withstand scrutiny.

43. The draft resolution referred in its fifth preambular paragraph to article 2 of Security Council resolution 686 (1991), by which Iraq was required, as a condition for the declaration of a ceasefire, to release all Kuwaitis and other nations of other States who might still be held in detention. Iraq had released some 6,222 prisoners between 2 March 1991 and 3 April 1991, bringing the subject of prisoners to a close. Indeed, Security Council resolution 687 (1991) did not refer to prisoners. Iraq had fulfilled its obligations under Security Council resolution 687 (1991), affording wide-ranging cooperation to the United Nations, notwithstanding the harsh conditions and constant threat of aggression to which it had subjected for nine years. The time had come for the Security Council to honour its commitments by lifting the embargo against Iraq.

44. Security Council resolution 688 (1991) had set a dangerous precedent in international relations in terms of the principle of non-interference in the internal affairs of States. Three States had voted against the resolution, while two others had abstained. The Government of Iraq nevertheless cooperated with international humanitarian organizations, United Nations agencies and non-governmental organizations working throughout the country and welcomed any effort to alleviate the suffering caused by the sanctions.

45. In that regard, his delegation drew attention to the letter contained in document S/1999/549 from the Foreign Minister of Iraq addressed to the Secretary-General outlining the difficulties of the oil-for-food programme and the reasons for its failure to prevent the deterioration of the humanitarian situation in Iraq. Not least of these was the fact that the United States of America and the United Kingdom of Great Britain and Northern Ireland had placed humanitarian contracts worth more than $1 billion on hold.

46. The sixth preambular paragraph of the draft resolution omitted any mention of the observations made by various treaty monitoring bodies concerning the effects of the sanctions of the Iraqi people. While the Committee on the Elimination of Racial Discrimination had appealed for the lifting of the sanctions in its report (par. 3, CERD/C/55/Misc.35/Rev.3) the Human Rights Committee and the Third Committee made no reference to them in their resolutions, as if they had no mandate over humanitarian affairs.

47. The seventh preambular paragraph of the text referred to the report of the Secretary-General of 19 August 1999 concerning the implementation of Council resolution 1242 (1999) (S/1999/896). Paragraph 101 of that report mentioned the threat posed to the success of the oil-for-food programme by the huge increase in the numbers of humanitarian contracts put on hold. The United States of America and the United Kingdom of Great Britain and Northern Ireland bore responsibility for that state of affairs. Estimates suggested that contracts valued at some $700 million had been put on hold by the two States concerned. The draft resolution should have mentioned the reports of the Secretary-General in that regard, so that those responsible for hampering the success of the programme could be identified.

48. Paragraph 2 (a) of the draft resolution drew on allegations, exaggerations and factual distortions contained in the report of the Special Rapporteur on the situation of human rights in Iraq. His country categorically rejected those allegations, which had been supported by States in a blatantly selective manner, seeking to manipulate human rights for the political purpose of bringing down the Iraqi leadership.

49. With regard to paragraph 2 (b) of the draft resolution, freedom of thought, expression, information and association were guaranteed under Iraq's constitution and national laws. A decree concerning the establishment of political parties had recently been issued and significantly more daily and weekly newspapers were in circulation. Non-governmental organizations played a major role in political and social life and in providing services to various minorities throughout Iraq. Clearly, Iraq would continue to prevent any activity aimed at infringing the sovereignty of Iraq or dividing its people. The dissemination of material offensive to the religious and moral values of Iraqi society would not be tolerated.

50. With regard to the allegations contained in article 2, subparagraphs (c), (d) and (e), of the draft resolution, Iraq was committed to ensuring respect for the principles of justice in accordance with the rule of law. Safeguards were

in place for persons condemned to death, including an automatic right of appeal to the Court of Cassation, Iraq's highest judicial body. Iraqi law punished persons found guilty of torture, including under criminal law.

51. With regard to paragraph 3 (a) of the draft resolution, Iraq abided by its obligations under international human rights treaties, enacting and implementing appropriate national legislation and regulations. Iraq guaranteed the rights of all individuals without discrimination on grounds of origin, ethnicity, religion or language. All groups had equal rights and an equal duty to respect the sovereignty, unity and territorial integrity of Iraq.

52. With regard to paragraph 3 (c), Iraq cooperated with United Nations human-rights mechanisms, through constant dialogue with treaty bodies, the submission of reports concerning national implementation of human-rights instruments, and of communications and replies to requests for clarification from the relevant special rapporteurs. However, Iraq had repeatedly affirmed that the Special Rapporteur on the situation of human rights in Iraq had sought to vilify its Government and to use his mandate to seek to bring down the prevailing regime. Iraq categorically rejected the stationing of human-rights monitors on its territory as constituting an infringement of its sovereignty and a flagrant violation of the principle of non-interference in the internal affairs of States.

53. As for paragraph 3 (d) of the draft resolution, the Iraqi constitution carefully regulated the functions of the Iraqi judiciary, legislature and executive, ensuring their independence from one another and ability to discharge their functions free of external influence. In spite of the harsh conditions Iraq faced, its judiciary remained independent, and any violations that may have occurred could happen in any country. The persons responsible had been punished and the errors remedied. The punishments to which article 3 (e) referred had been stopped in 1996. There was no reason to mention them, unless the purpose was to damage Iraq without regard for the facts of the case.

54. With regard to paragraph 3 (g) of the draft resolution, the Government of Iraq devoted special attention to safeguarding the rights of minorities, less in fulfilment of relevant human-rights instruments than in response to the inherent historical, cultural and religious imperatives of Iraqi society. Iraq, which was made up of myriad groups and minorities, was the only State in the region to have granted autonomy to the Kurdish people.

55. Paragraph 3 (h) referred to the humanitarian question of missing persons, a question that Iraq, with over 1,000 missing persons, also wanted to see resolved. Iraq had halted its cooperation with the Tripartite Commission, because of the presence in it of representatives from the United States of America and the United Kingdom of Great Britain and Northern Ireland. Those States, which had no missing persons involved, sought to politicize the issue and hamper any resolution. They had participated in the aggression against Iraq on 16 December 1998 and continued their attacks. Iraq would resume cooperation with the Commission immediately after their withdrawal.

56. Paragraph 3 (j) of the draft resolution lacked any balance, giving the false impression that food and medicines were not distributed equitably in Iraq. The report of the Secretary-General (S/1999/573) on the implementation of the programme showed that an extremely large number of observation visits, including spot checks, had been carried out and that over 97 per cent of distribution agents and some 98 per cent of families received their full monthly rations. No discrimination had been detected in the 75,699 observation visits made. All the agencies which visited Iraq had testified to that effect.

57. The draft resolution was clearly a political document, as were all previous resolutions adopted on Iraq. The text did not seek to promote human rights, but rather to vilify Iraq and its national leadership. Iraq hoped that all delegations would discern the hostile political motives behind the draft resolution and vote against it. It wished to request a recorded vote on the draft resolution.

58. **Mr. Rogov** (Russian Federation) requested that a recorded vote should be taken on paragraphs 2 (a), 3 (g), 3 (i) and 3 (j) of draft resolution A/C.3/54/L.60 but informed the Committee that his delegation would abstain from voting.

59. **Mr. Schalin** (Finland) urged the Committee to vote in favour of the draft resolution.

60. *A recorded vote was taken on paragraphs 2 (a), 3 (g), 3 (i) and 3 (j) of document A/C.3/54/L.60.*

In favour:

Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Monaco,

Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia, Zimbabwe.

Against:

Sudan.

Abstaining:

Algeria, Armenia, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Gambia, Ghana, Grenada, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

61. *Paragraphs 2 (a), 3 (g), 3 (i) and 3 (j) of draft resolution A/C.3/54/L.60 were adopted by a vote of 91 to 1, with 54 abstentions.*

62. **The Chairman** invited the Committee to vote on draft resolution A/C.3/54/L.60 as a whole.

63. **Mr. Londono** (United States of America) speaking in explanation of vote before the vote, urged the Committee to adopt the draft resolution. It condemned the Government of Iraq for the daily systematic, widespread and extremely grave violations of human rights and humanitarian law perpetrated against the Iraqi people. The world community denounced Iraq for sustaining itself through broad-based discrimination and widespread terror in a climate of fear and oppression. The United States particularly endorsed the call for the Government of Iraq to abide by the norms of civilized society, the rules of international law and its own freely undertaken obligations under international human rights treaties to respect and ensure the rights of all individuals within its territory.

64. He referred to the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/54/466), which condemned the Government's use of resources under the oil-for-food arrangement to enrich itself rather than for the benefit of the people. In spite of increased oil revenues, the Iraqi Government had spent less on nutritious food for women and children. His delegation noted the ambiguous reference to the adverse effects of sanctions in the preamble. The language lacked balance as there was no corresponding reference to the central fact that sanctions had been imposed by the Security Council under Chapter VII of the Charter of the United Nations because of Iraq's failure to comply with its obligations under Security Council resolutions.

65. Sanctions remained in effect because Iraq remained in non-compliance. Moreover, the Special Rapporteur had made it clear that Iraq consciously chose to impose greater hardship upon its people because of its failure to take full advantage of the food and health-care resources available through the oil-for-food arrangement. Rather, the Government preferred to let innocent people suffer while it manoeuvred to get sanctions lifted. It was the lack of balance in reference to sanctions which compelled his Government, however reluctantly, to withdraw its sponsorship of the draft resolution.

66. **Mr. Oda** (Egypt) said that his Government was committed to ensuring respect for human rights and fundamental freedoms througnout the world, urging States to refrain from politicizing human-rights questions and applying double standards. In calling upon the Government of Iraq to fulfil its obligations under the relevant Security Council resolutions, including with respect to the release of Kuwaiti nationals that might still be detained, Egypt affirmed the need to preserve the unity, sovereignty, territorial integrity and political independence of Iraq. No one should interfere in that country's internal affairs. Further measures should be taken to protect Iraqi civilians, particularly women and children, against the negative effects of the sanctions. Egypt, therefore, had decided to refrain from voting on the draft resolution.

67. **Ms. Ahmed** (Sudan) said that, regardless of the substance of the draft resolution, her delegation categorically rejected selectivity and double standards in dealing with human rights questions, together with the politicization of human-rights questions. Since no State had an unblemished human-rights record, her delegation had decided as a matter of principle to vote against the adoption of the draft resolution, and would continue to do so so long as the resolutions in question offended the principle of non-selectivity.

68. While the Third Committee was considering the human-rights situation in Iraq, the Iraqi people were being

subjected to one of the greatest human-rights violations. The indescribable humanitarian suffering caused by the sanctions had been reflected in various United Nations reports, particularly those relating to children, women and older persons. The Sudan wished to express its sympathy for the plight of detainees and missing persons and its hope that the issue would be resolved under the auspices of the Tripartite Commission.

69. **Ms. Al-Hajjaj** (Libyan Arab Jamahiriya) said that the Libyan Arab Jamahiriya remained committed to ensuring respect for all human rights, which were universal, indivisible and which should be applied in a non-selective and impartial manner. Her delegation would vote against the draft resolution, since it failed to make any mention of the impact of the sanctions on the Iraqi people. Numerous organizations had reported on the deleterious effects of the sanctions, particularly with regard to the more vulnerable sectors of society. Iraqi women and children had been deprived of their right to food, medicines, freedom of movement, development and even the right to life itself.

70. The draft resolution omitted any mention of the daily attacks against Iraq carried out in the illegal aerial exclusion zones. The text's failure to mention the victims of those attacks gave the impression that the persons in question were not human beings. It made no reference to the threat posed to the sovereignty, unity and territorial integrity of Iraq or to any infringement of the principle of non-interference in the internal affairs of States.

71. The Libyan Arab Jamahiriya rejected the call in operative paragraph 3 (d) of the draft resolution for the Government of Iraq to allow the stationing of human-rights monitors throughout the country, a move which would violate the sovereignty of Iraq. It appealed to Iraq to resume its cooperation with the Tripartite Commission to determine the fate of the missing Kuwaiti nationals and third country nationals in order to defuse tensions and restore friendly relations between the States concerned.

72. **Ms. Elisha** (Benin) said that her delegation did not intend to participate in the vote in view of the difficulty of ascertaining where the truth lay. There was a lack of correlation between the statements made by Iraq and the United States and the information contained in the draft resolution.

73. *A recorded vote was taken on draft resolution A/C.3/54/L.60.*

In favour:

Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Zambia, Zimbabwe.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mali, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Papua New Guinea, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Singapore, Sri Lanka, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

74. *Draft resolution A/C.3/54/L.60 was adopted by 96 votes to 2, with 51 abstentions.*[*]

75. **Mr. Bhatti** (Pakistan), speaking in explanation of vote after the vote, said that Pakistan had abstained since the draft resolution failed to take account of the humanitarian crisis in Iraq. On the other hand, his delegation was particularly concerned about the unresolved issue of missing Kuwaiti nationals and prisoners of war and urged Iraq to cooperate with the Tripartite Commission on that matter.

[*] The delegation of Benin subsequently informed the Committee that it had not intended to participate in the vote.

Draft resolution A/C.3/54/L.63: Situation of human rights in the Democratic Republic of the Congo

76. **The Chairperson** said that the draft resolution contained no programme budget implications.

77. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that Australia, Bulgaria, Canada, Estonia, Hungary, Iceland, Malta, Monaco, Poland, Romania, Slovenia and the United States of America had joined the sponsors of the draft resolution. Following consultations with the Democratic Republic of the Congo, the sponsors had revised the draft. The words "and resolution 1273 (1999) of 5 November 1999" had been added at the end of the fourth preambular paragraph. In the seventh preambular paragraph, the words "while noting that the security situation in the Democratic Republic of the Congo does not yet allow such a mission" had been deleted. At the end of the eighth preambular paragraph, the following words had been added: "and in that view encouraging the Government to fulfil its commitment to reform and restore the judicial system in conformity with the provisions of the International Covenant on Civil and Political Rights".

78. In paragraph 1 (d), the words "of 10 July 1999" and "as of 31 August 1999" had been deleted. A new subparagraph had been inserted after paragraph 1 (e), which read: "The appointment by the Secretary-General of a Special Representative for the Democratic Republic of the Congo;". In paragraph 1 (g), the words "calls upon" had been replaced by the word "encourages".

79. In paragraph 2 (b), the words "in particular" had been replaced with the words "in that view condemns". In paragraph 2 (b) (i), the words "and Libenge" had been replaced with the words "Libenge and Kasala". In paragraph 2 (b) (ii), the word "harassment," had been inserted after the word "beatings" and in paragraph 2 (b) (iii), the words "in disregard of the provisions contained in the International Covenant on Civil and Political Rights" had been deleted. In paragraph 2 (c), the words "excessive accumulation and" had been replaced with the word "illicit"; and the words "Great Lakes" had been inserted before the word "region". Paragraph 2 (d) and paragraph 3 (d) had been deleted.

80. In paragraph 4 (a), the words "throughout its entire territory" had been added after the word "freedoms". In paragraph 4 (b), the words "To fulfil its responsibility to protect the human rights of the population on its territory, as well as" had been deleted. In paragraph 4 (e), the words "To put an end to impunity and" had been replaced with the words "to fulfil its responsibility". In paragraph 4 (g), the words "To remove the restrictions that still affect the work of non-governmental organizations and" had been deleted and the words "and to remove the restrictions that still affect the work of non-governmental organizations" had been added at the end.

81. **Mr. Mwamba Kapanga** (Democratic Republic of the Congo) said that his Government and the Congolese people attached great importance to the promotion of human rights. However, in fulfilling its obligations in that sphere, the Government of the Democratic Republic of Congo did not wish to be treated in a patronizing fashion. He noted with regret that the draft resolution under consideration diverged from the spirit of the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/54/361 and Corr.1) and posed legitimate concerns, despite intense consultations on the matter.

82. Security Council resolution 1234 (1999) and paragraphs 38 and 39 of the Special Rapporteur's report attested to full-scale aggression being carried out by the regular armies of neighbouring countries. In his categorization of the conflict in paragraph 20 of the report, the Special Rapporteur had asserted that various facts made it necessary to review the situation. The "uninvited" countries had conducted exchanges of prisoners, and there had been clashes typical of any war between foreign national forces in Congolese territory. As the aggression intensified, the crimes and human rights violations committed by the aggressors in the occupied provinces were becoming more serious.

83. His Government had asked nothing more of the sponsors of the draft resolution than to acknowledge that external aggression constituted the main source of human rights violations and to highlight the role played by those foreign forces. Underscoring the contradictions and inconsistencies in the draft resolution, he said paragraph 1 (c) encouraged cooperation between the Government of the Democratic Republic of the Congo and the Human Rights Field Office, but failed to acknowledge the work of the Ministry of Human Rights, which had spared no effort to ensure the promotion and protection of human rights in spite of prevailing circumstances. His Government would have appreciated the level of objectivity expressed by the Special Rapporteur in his support for that Ministry.

84. Furthermore, the draft resolution called on the Government to comply with its obligations under international human rights law as if nothing was being done in that area. In paragraph 28 of his report, the Special Rapporteur had outlined the efforts made by the Government to protect persons at risk. The representative of the Democratic Republic of the Congo wondered whether those

attempts did not demonstrate his Government's respect for its international obligations in the field of human rights.

85. Since the draft resolution failed to reflect the positive developments in the Democratic Republic of the Congo, his delegation reluctantly renounced the spirit of consensus and called for a recorded vote to be taken. Regardless of the outcome of the vote, he wished to reaffirm his Government's political will to pursue its efforts to promote and protect human rights in times of peace and war and looked forward to greater cooperation with the international community. In closing, he said that his delegation would accept the draft resolution if it incorporated language calling on the forces of the "uninvited" foreign States in the Democratic Republic of the Congo to immediately put an end to the grave violations of human rights and international humanitarian law in the occupied provinces.

86. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that the sponsors were willing to pursue informal consultations with the delegation of the Democratic Republic of the Congo with a view to achieving a consensus text.

87. **Mr. Londono** (United States of America) said that he supported the view expressed by the previous speaker.

88. **The Chairman** said he took it that the Committee wished to postpone consideration of draft resolution A/C.3/54/L.63.

89. *It was so decided.*

Draft resolution L.87/Rev.1: Situation of human rights in Rwanda

90. **The Chairman** said that the draft resolution contained no programme budget implications.

91. **Mr. Norfolk** (Canada) said that Chile, Costa Rica, the Czech Republic and Iceland had also joined in sponsoring the draft resolution. The sponsors had agreed upon a number of revisions. Paragraph 8 had been reworded to read:

> "*Notes* the improvements in the human rights situation in Rwanda since the last session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations;"

In the last line of paragraph 11, the word "international" had been inserted before the word "community". Paragraphs 15 and 17 had been deleted.

92. In paragraph 18, in the second line the word "and" had been inserted after the word "Commission" and the phrase "and the international community" had been added after the word "Rwanda"; the fifth line had been reworded to read: "of the National Human Rights Commission's Round Table in October, and urges the"; and in the last line, the words "to address weaknesses in legislation" had been deleted. The text of paragraph 19 had been reworded to read:

> "*Encourages* the United Nations High Commissioner for Human Rights, the Government of Rwanda, other Governments, and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure including a strong civil society;".

93. **Mr. Schalin** (Finland), speaking in explanation of position, on behalf of the European Union, said that the Union would join a consensus on the draft resolution, but that the text did not reflect its view sufficiently to enable it to become a sponsor. The human rights situation in Rwanda continued to be of concern despite progress made. Ensuring recovery from genocide, and promoting and protecting human rights and fundamental freedoms were primarily responsibilities of the Government of Rwanda. However, paragraphs 17, 23 and 28 reflected the European Union's own view.

94. Since the promotion and protection of human rights for all were essential for achieving stability and security in the Great Lakes region and creating an enabling environment for cooperation between States in the region, the regional dimension should have been further elaborated in the draft resolution. The European Union called upon the Government of Rwanda to further promote the rule of law by strengthening the administration of justice — including access to legal representation and the protection of witnesses — and to resume its cooperation with the International Criminal Tribunal for Rwanda.

95. *Draft resolution L.87/Rev.1, as orally revised, was adopted.*

96. **Mr. Mutaboba** (Rwanda), speaking in explanation of position and responding to the comments made by the previous speaker, said that the situation of human rights in Rwanda was, indeed, still "of concern", since the country was still recovering from genocide. The Government, however, had taken the situation in hand and would continue its efforts with or without the consent of third parties. The European Union's allegations were based on past history or speculation. There were currently no child soldiers in the Rwandan army. Moreover, no United Nations agency had complained of a lack of cooperation on the part of the Rwandan Government. Conditions in Rwandan prisons

would continue to be improved thanks to international support. The Rwandan Government cared for all its citizens, including prisoners.

97. **Mr. Al-Saidi** (Kuwait) speaking in exercise of the right of reply, said that Iraq continued to manipulate the facts and shirk its responsibilities, referring to Kuwaiti prisoners as missing persons, as if there was still a war between Iraq and Kuwait. Iraq sought to hide the fact that it had invaded, occupied and taken control of Kuwait in 1990. There were 605 Kuwaiti nationals, mostly civilians, still being held in Iraqi prisons. Kuwait had provided the International Committee of the Red Cross (ICRC) with official documents signed by senior Iraqi officials asking the Iraqi authorities to detain those prisoners, yet Iraq had consistently refused to disclose information as to their whereabouts. Kuwait categorically condemned Iraq's designation of those prisoners as missing persons, particularly given the evidence that proved the contrary.

98. Iraq was responsible for ensuring the immediate release of those innocent persons and for disclosing information as to their fate. By continuing to detain them, Iraq had failed to fully implement the provisions of the relevant Security Council resolutions. The persons concerned were innocent prisoners, who had been taken by force during the occupation of Kuwait. They were not missing persons as Iraq had claimed.

99. Member States should ignore Iraq's designation of the prisoners as missing persons and disregard such references in its statement. The Iraqi delegation had been seeking to confuse the issue, creating doubt in the minds of certain delegations for reasons that had nothing to do with alleviating the suffering of innocent civilians. Iraq had a duty to resume its cooperation with the Tripartite Commission and its technical subcommittee, in accordance with the terms of the 1991 ceasefire agreement.

100. **Mr. Al-Humaimidi** (Iraq), speaking in exercise of the right of reply, said that Security Council resolution 686 (1991) referred to prisoners, making their release one of the conditions for the declaration of the ceasefire in 1991. That condition had been met with the handing over of 6,222 prisoners prior to the adoption of Security Council resolution 687 (1991), which referred to missing persons. Wars always resulted in cases of missing persons. Iraq had over 1,000 missing persons, while Kuwait had over 500. Iraq continued to cooperate with international agencies in that regard. The Tripartite Commission included representatives w. had no direct involvement in the problem and whose objectives were to exploit the Commission for political purposes, preventing the reaching of a solution. If those representatives were to withdraw, Iraq would immediately resume its cooperation.

101. **Mr. Al-Saidi** (Kuwait), speaking in exercise of the right of reply, said the Iraqi representative's problem was that he believed that delegations were ignorant of the texts of resolutions. Paragraph 30 of Security Council resolution 687 (1991) referred to Kuwaiti prisoners and detainees, not to missing persons. The representatives on the Tripartite Commission were from the States which had signed the 1991 ceasefire agreement and to whose presence on the Commission Iraq had agreed. It was Iraq that clearly wanted to politicize the issue, ignoring the humanitarian suffering of the Kuwaiti nationals and other third country nationals who had been held in detention for over nine years and most of whom were civilians who had been forcibly taken from their homes during Iraq's aggression against Kuwait. Those were the true facts of the case.

102. **Mr. Al-Humaimidi** (Iraq), speaking in exercise of the right of reply, said that the States to whom the Kuwaiti representative had referred were the same ones that had launched a military attack upon Iraq on 16 December 1998, claiming the lives of innocent victims. It was extremely difficult to see how Iraq could cooperate with those parties, particularly when they had nothing whatsoever to do with the issue at hand. Since they attacked Iraq on a daily basis, it was inconceivable that they should participate in solving the problem of missing persons. Their purpose was simply to inflict further damage on Iraq. If they withdrew from the Commission, Iraq would resume its cooperation forthwith.

The meeting rose at 6.50 p.m.